

Friday, 18 April 1947.

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan.

PROCEEDING IN CHAMBERS

On

Application for a commission to
take testimony of the witness
ISHIHARA.

Before:

HON. SIR WILLIAM WEBB
President of the Tribunal and
Member from the Commonwealth
of Australia.

Reported by:

Julian Wolf
Court Reporter
IMTFE

Appearances:

For the Prosecution:

BRIGADIER QUILLIAM.

For the Defense Section:

MR. FLOYD J. MATTICE, Counsel for the
accused ITAGAKI, Seishiro

For the Office of the General Secretary, INTFE:

COLONEL G. W. HANLEY, Executive Officer;
JUDGE E. H. DELL, Legal Adviser;
MR. CHARLES A. MANTZ, Clerk of the Court.

The Proceeding was begun at 0904.

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THE PRESIDENT: This is an application for a Commission by Mr. Mattice for the accused --

MR. MATTICE: No, this is in the general Manchurian Phase; the witness ISHIHARA.

THE PRESIDENT: -- for the witness, ISHIHARA, who resides at Fukuura, 32 hours train journey from Tokyo, and, who, on account of illness is unable to attend the court.

We told you that all you had to do was apply to a Commission and we will issue you one. You need not worry about the drafting of it.

You are not opposing it, Brigadier Quilliam?

BRIGADIER QUILLIAM: No, sir.

THE PRESIDENT: In court an order will be made for the Commission.

What date is the evidence to be taken?

MR. MATTICE: We have not determined upon a date, but --

THE PRESIDENT: I think you better leave that open, because, if it is going to take all that time to go and come, I won't be able to go. It cannot be covered in a week-end, so I will have to ask another judge.

MR. MATTICE: In that respect I think, from the conversation I have had with Colonel Hanley, that perhaps such arrangements can be made as that a shorter route may be taken. This route is a regular train route. The only way one could go there is by regular train service, but it has been intimated that they might set up a special run if cars were provided that could go straight through. That seems to be necessary because at this little village there are no accommodations and the train arrives there at 0830 in the morning and leaves at 0930. That is the only other train out. So, of course, it couldn't be completed within the hour and that would mean that the party would have to remain there until the next day and there are no accommodations. At least it is suggested that equipment be provided so that the party could live aboard the car; and, if that were done a much more direct route may be used and much less time consumed.

THE PRESIDENT: We will have to leave that to the RTO.

How many of the defense counsel intend to go?

MR. MATTICE: Five.

THE PRESIDENT: Who are they?

MR. MATTICE: OKAMOTO, SASAGAWA, BANNO, one

other American counsel and myself -- that is five -- and I do not know how many from the prosecution.

How many do you say?

BRIGADIER QUILLIAM: At the most, two.

MR. MATTICE: That would be seven.

THE PRESIDENT: A Japanese secretary?

MR. MATTICE: And, I think, a court reporter.

THE PRESIDENT: How many court reporters?

MR. MATTICE: There should be, I suppose, a Japanese and English; that would be two --

THE PRESIDENT: Yes, that is right. I should say 12.

MR. MATTICE: -- an interpreter; that is 10.

THE PRESIDENT: Would you want a monitor as well?

MR. MATTICE: Why, I would not think so. Then, of course, a Member of the Tribunal, 11. approximately 11 or 12. Now, I understand that various newsmen, both Japanese and American --

THE PRESIDENT: I am not concerned with that. That has to be done independently of me.

MR. MATTICE: I am not interested in that, but I am just interested because they indicated --

THE PRESIDENT: As a matter of fact, this will be the same as evidence given in chambers and

newspapermen are always restricted from attending proceedings in chambers. The newspapermen are not interested in chambers but in court. I will take no cognizance of their desires.

MR. MATTICE: Then the answer to your question would be 12 or 15 persons.

THE PRESIDENT: Yes.

What about the registrar of the Court?

COLONEL HANLEY: Sir William, will your order include a directive that the General Secretary will set up the necessary arrangements for this trip?

THE PRESIDENT: Yes, I think so. I will leave it to the General Secretary Executive Officer to make all the arrangements.

COLONEL HANLEY: Now, we are going to have an awful lot of difficulty with the press on this because I have been contacted on that for the last week.

THE PRESIDENT: You can't even mention it to me. Don't mention the press to me. I cannot discuss it. It is out of my province; don't even discuss it.

COLONEL HANLEY: We can accommodate them as far as the accommodations authorized will permit.

THE PRESIDENT: As I understand, the press are not permitted in chambers and commissions are taken in chambers. What is taken in chambers is read in court. Thereupon begins the interest of the press.

COLONEL HANLEY: You normally don't have press people when you take testimony like that?

THE PRESIDENT: Never. Commissions are always taken in chambers and the press are never allowed into chambers; and, as a British judge -- as an Australian judge, I could not allow it. I have explained before what my attitude is. It will not change. It is a position I am not interested in the press. Their interest is in what is read in court and that will be read in court. They may not understand that.

MR. MATTICE: I should say this: On the regular passenger schedule, which is all the information we have now, it would require leaving Tokyo at 9:30 at night, arriving in Sendai the next morning, changing there and going over to Yamagata where another change is made; traveling from there to Akita where a 15-hour layover is required, because that line that runs down to this little village from there, about 80 miles, evidently runs only one train a day and

you have to wait then until the next morning, so it will be the second day after leaving here before we reach this point, and, of course, it would take the same time for that journey. So, three or three and a half days would be consumed if we have to go that circuitous route.

Now, of course, there are more direct routes.

COLONEL HANLEY: Are there any military billeting and messing facilities up there in that area?

MR. MATTICE: No, nothing.

COLONEL HANLEY: Well then --

MR. MATTICE: There are no accommodations, not even a Japanese hotel. It is just a small place.

COLONEL HANLEY: I don't know whether we can get railroad equipment to provide railroad facilities.

MR. MATTICE: That, of course, is rather necessary and rather important I should say, because we can't --

COLONEL HANLEY: There are only certain things that can be done on that.

MR. MATTICE: Those of us who are not

military men won't be able to live off the country, I am afraid. We won't know how.

COLONEL HANLEY: We will have to take a carfull of K rations or something like that -- dry rations.

MR. MATTICE: Of course, you can do that.

Assuming that it would not take over a few hours to take the deposition, the round trip by this circuitous route would take 70-75 hours. By the way, there are no airfields there, so we could not go by air. There is one up at Sendai, but that does not assist very much because travel from here to Sendai is comparatively easy and comfortable.

THE PRESIDENT: By the way, talking about the press, I am assuming wrongly that I will take this. The judge who takes it will have complete control of this proceeding and he can say whether or not the press will be admitted. If he is a British judge he is not likely to say yes. He may; but if he is a judge of another country he may well say it.

So that is the condition, Colonel Hanley. You do approach the judge who takes the Commission, but not myself.

COLONEL HANLEY: Has the judge been selected yet?

THE PRESIDENT: Not yet. I will have to consult the judges about who is going.

MR. MATTICE: Will we leave the date open?

THE PRESIDENT: Leave it open for the moment.

MR. MATTICE: I assume, Colonel Hanley, that you will need a little time, a few days time.

COLONEL HANLEY: I haven't the slightest idea how long it will take, Mr. Mattice, but I will get at it right away and consult the Rail Transportation Office and see how long it will take.

MR. MATTICE: What I had in mind was that the date ought to be fixed four or five days hence in order to give Colonel Hanley time.

THE PRESIDENT: I will find out this morning, Mr. Mattice, what judge is likely to take it but I cannot go because it will take up too much time. I will suggest that one of the younger judges take it.

(Whereupon, at 0913, the proceeding was concluded.)

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